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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 VILI TAUELANGI,

11 Plaintiff,

12 v.

13 MICHAEL J. ASTRUE, Commissioner  
14 of the Social Security Administration,

15 Defendant.

CASE NO. 11-cv-05862-BHS-JRC

ORDER TO PROVIDE PROOF OF  
SERVICE OR TO SHOW CAUSE  
WHY THIS MATTER SHOULD  
NOT BE DISMISSED

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17 This matter has been referred to United States Magistrate Judge J. Richard  
18 Creatura pursuant to 28 U.S.C. § 636(b)(1) and Local Magistrate Judge Rule MJR  
19 4(a)(4), and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261,  
20 271-72 (1976).

21 Because there is no evidence in the record that this case has been properly served,  
22 the Court hereby orders plaintiff to provide proof of service or show cause by June 29,  
23 2012 why this matter should not be dismissed for lack of prosecution.  
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1 Fed. R. Civ. P. 4(m) requires a defendant to be served within 120 days after a  
2 complaint is filed. Fed. R. Civ. P. 4(l) requires proof of service to be filed or made to the  
3 court. At this time, although the complaint in this matter was filed on October 21, 2011,  
4 the record does not show that the complaint has been properly served (see ECF No. 3).

5 Fed. R. Civ. P. 4(i) governs service with respect to complaints against the United  
6 States and against United States agencies, officers and employees. See Fed. R. Civ. P.  
7 4(i); see also Villegas v. Astrue, U.S. Dist. LEXIS 55223 at \*1-\*2 (C.D. Cal. April 18,  
8 2012) (*citing* Fed. R. Civ. P. 41(b)).

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10 Fed. R. Civ. P. 4(m) requires the court to provide notice to plaintiff before the  
11 matter may be dismissed for lack of prosecution, and Rule 4(i)(4) requires the court to  
12 allow a reasonable time for plaintiff to cure a failure to serve multiple entities, if plaintiff  
13 has effected service on either the United States attorney or the Attorney General of the  
14 United States.

15 Plaintiff is hereby ordered to provide proof of service or show cause why this  
16 matter should not be dismissed for lack of prosecution by June 29, 2012. Failure to  
17 provide proof of service or show cause may result in a Report and Recommendation to  
18 dismiss this action.

19 Dated this 14<sup>th</sup> day of May, 2012.

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22 J. Richard Creatura  
23 United States Magistrate Judge  
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